

Neifeld Docket No: OCLP-3-LAOR-US

Application/Patent No: 09/595,677

USPTO CONFIRMATION NO: 3948

File/Issue Date: 6/19/2000

Inventor/title: LAOR/Method of and System for Managing Promotions for Purchase Transactions Over a Network

Examiner/ArtUnit: VAN BRAMER/3622

**37 CFR 1.7(c) FILING RECEIPT AND TRANSMITTAL LETTER WITH
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

1. **THE COMMISSIONER IS HEREBY AUTHORIZED TO CHARGE ANY FEES WHICH MAY BE REQUIRED, OR CREDIT ANY OVERPAYMENT, TO DEPOSIT ACCOUNT NUMBER 50-2106.**

2. **FEES PAID HERewith BY EFS CREDIT CARD SUBMISSION:** None

3. **THE FOLLOWING DOCUMENTS ARE SUBMITTED HERewith:**

37 CFR 41.41 REPLY BRIEF (5 pages)

4. **FOR INTERNAL NEIFELD IP LAW, PC USE ONLY**

USPTO CHARGES: 0 CLIENT BILLING MATTER: BANK ACCOUNT/Check: 6/ G/L ACCOUNT: 5010	FIRM FEE CHARGES: 0 DESCRIPTION: FIRM CHARGE FOR LAWYER:
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INITIALS OF PERSON WHO **ENTERED** ACCOUNTING DATA: BTM

ATTORNEY SIGNATURE (AUTHORIZING DEPOSIT ACCOUNT)

DATE: 4/18/2007

SIGNATURE: /RichardNeifeld#35,299/

Printed: April 18, 2007 (11:47am)

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37 CFR 41.41 REPLY BRIEF

ASSISTANT COMMISSIONER FOR PATENTS

ALEXANDRIA, VA 22313

Sir:

In response to the examiner's answer mailed February 27, 2007, the appellant files this
reply brief.

On page 8 lines 17-19 of the examiner's answer, referring to the principle brief page 6 lines 14-19, the examiner stated that:

The applicant argues that Gerace [USP 5,848,396] is not directed to security of promotions. The examiner is unable to locate any limitation in the currently pending claims that mentions the "security of promotions".

In response, the appellant points out that, by "security", the appellant is referring to the claimed process of authorizing and accepting or rejecting request for promotions received from a client's computer. The currently pending claims contain limitations defining the use of authorization code or authorization data to provide this security. For example, claims 2, 28, and 30, which are copied below with emphasis supplied:

2. The system of claim 1, wherein said promotion server system further includes **authorization code for enabling said commercial server system to accept or decline one or more of said promotions.**

28. A system for managing promotions over a network comprising:
an promotion server;
a retailer's commercial server;
a consumer's client computer;
wherein said advertiser's promotion server; said retailer's commercial server; and said consumer's client computer are operably connected to the Internet, and are structured and programed so that:

said consumer's client computer can request from said retailer's commercial server a promotion; and

said retailer's commercial server responds to requests from said consumer's client computer for said promotion by automatically obtaining from said promotion server promotion **authorization data for said promotion, and said retailer's commercial server determines from said authorization data whether to accept or decline said promotion.**

30. A computer network implemented method for managing promotions over a network comprising:

- providing an promotion server;
- providing a retailer's commercial server;
- providing a consumer's client computer;

wherein said advertiser's promotion server; said retailer's commercial server; and said consumer's client computer are operably connected to the Internet, and are structured and programed so that:

- said consumer's client computer can request from said retailer's commercial server a promotion; and
- said retailer's commercial server responds to requests from said consumer's client computer for said promotion by automatically obtaining from said promotion server promotion **authorization data for said promotion, and said retailer's commercial server determines from said authorization data whether to accept or decline said promotion.**

On page 10 lines 4-6 of the examiner's answer, the examiner stated that:

The examiner is unable to locate any limitation in the currently pending claims, which requires a client computer to requests [sic] a redemption from a retailer's computer as argued by the applicant.

In response, the appellant points for example to claim 28's "said consumer's client computer can request from said retailer's commercial server a promotion; and *said retailer's commercial server responds to requests from said consumer's client computer.*" The examiner has read out of the claims limitations such as the retailer's server responding to the consumer's computer's requests from the commercial server for promotions.

On page 12 lines 16-20 of the examiner's answer, the examiner stated that:

The applicant argues on page 9, lines 21-25 that Gerace does not disclose or suggest the commercial server receiving a request from the user computer wherein the commercial server uses authorization data from the promotion server

to determine whether to display a promotion to the user. However, Gerace discloses

what follows the "discloses...." in the examiner's answer spanning pages 12 and 13 is a litany of things disclosed by Gerace.

In response, the appellant points out that the examiner did not assert that the litany of things disclosed by Gerace contradict the appellants assertion, and none of the litany of things disclosed by Gerace and identified by the examiner contradict appellant's assertion regarding Gerace that: Gerace does not disclose or suggest the commercial server receiving a request from the user computer wherein the commercial server uses authorization data from the promotion server to determine whether to display a promotion to the user.

On page 13 lines 11-14 of the examiner's answer, the examiner stated that:

However, Gerace does specifically disclose the request for an advertisement from the user. In Col 2, lines 35-42, and Col 5, lines 26-40 Gerace discloses that user selects advertisements to receive information.

In response, the appellant disagrees. Gerace does not disclose the user selecting advertisements. Gerace column 2 lines 35-42 discloses a software module that "records history of users viewing the advertisements," not users selecting advertisements. As stated in Gerace column 2 lines 24-29, software determines what advertisements to display to the user based upon predetermined psychographic information about the user. Moreover, Gerace column 5 lines 26-40 discloses recording statistics regarding advertisements displayed to users; it does not disclose the user selecting advertisements.

On page 13 lines 16-19 of the examiner's answer, the examiner stated that:

However, in Col 15, lines 1-56, Gerace discloses that comparing the user profile and the sponsor instructions triggers the action of determining and displaying an advertisement.

In response, the appellant submits that this understanding of Gerace shows that Gerace does not disclose the user selecting advertisements.

Moreover, what column 15 lines 1-56 actually discloses is only Gerace's software ranking

advertisements (paragraph at line 11 et seq.); weighting criteria (paragraph at line 25 et seq.); generating a screen view for the user (paragraph at line 45 et seq.); and how "main routine 39" handles a user adding a security to a securities portfolio (paragraph at line 57 et seq.).

Respectfully Submitted,

4/18/2007

/RichardNeifeld#35,299/

Date

Richard A. Neifeld, Ph.D.

Registration No. 35,299

Attorney of Record

BTM/ran

Date/Time: April 18, 2007 (11:47am)

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